

## Custodial Operations Policy and Procedures

### 17.5 Body scanning

#### Policy summary

The *Crimes (Administration of Sentences) Regulation 2014* allows for inmates and visitors to be searched using a full body x-ray scanner (body scanner). Body scanners are used in correctional centres to enhance safety and security and produce an image of the whole body to show items that may be concealed both externally and internally by a person.

Persons who are scanned will be exposed to a **very low dose** of radiation. The Environmental Protection Authority (EPA) set limits on annual radiation exposure that different cohorts of people can receive from body scanning in NSW Correctional Centres. All staff operating a body scanner must be trained and hold an IA42 Radiation User Licence.

#### Management of Public Correctional Centres Service Specifications

Service specifications	Decency and respect Safety and security
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## Scope

This section applies to all correctional centres and other facilities administered by or on behalf of Corrective Services NSW (CSNSW), and all CSNSW employees.

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# 1 Body scanning

## 1.1 Policy

CSNSW use full body x-ray scanners (body scanners) as a security screening tool to detect contraband that may be concealed externally or internally by a person to improve the safety and security of correctional centres. Body scanners are to be used as an alternative to strip searching wherever practicable. A strip search may only follow a body scan if the body scan indicates the presence of contraband.

Persons who are body scanned will be exposed to a **very low dose** of radiation for an x-ray image to be produced. In accordance with the *Radiation Control Act 1990* (NSW), the Environmental Protection Authority (EPA) has set limits on annual radiation exposure that a person can receive from body scanning by CSNSW.

In NSW correctional centres, inmates and visitors (except legal professionals and contactors) are subject to body scanning. Staff **must** ensure that an appropriate Incident Reporting Module (IRM) is generated where contraband is detected via body scanning (a Contraband IRM when contraband is surrendered or seized, or a Miscellaneous Incident IRM when contraband is suspected). If the body scan of a visitor indicates the presence of contraband, COPP 17.4 *Stop detain and search of visitors and staff* must be followed, and a Miscellaneous Incident IRM submitted.

The operator of a body scanner may use their discretion to exempt a person from body scanning where it is not practical, or due to a person's extenuating circumstances (e.g. they are in a wheelchair). Where it is assessed that a body scan cannot be undertaken, the person will be subject to alternative security screening practices as authorised in policy (refer to COPP section 17.1 *Searching inmates* and 10.4 *Stop, detain and search of visitors and contractors*).

## 1.2 Conditions for scanning under an IA42 radiation user licence

A staff member must hold a current IA42 Radiation User Licence ('Radiation User Licence') that has been issued by the EPA to operate a body scanner.

Staff members applying for a licence must be able to demonstrate to the EPA that they have the appropriate knowledge of the principles and practices of radiation safety and protection, and experience applicable to the operation of a body scanner (this is covered by training).

A Radiation User Licence prescribes conditions for body scanner use, as determined by the EPA. These conditions form the basis of the operating conditions for CSNSW and all staff licenced to operate a body scanner. The following conditions must be adhered to at all times:

### **Radiation user licence for human imaging for security screening purposes** **IA42 - Use for human imaging for security screening purposes**

For the IA42 condition the licensee must only use whole body x-ray screening apparatus:

1. on persons for security screening purposes

2. on correctional centre inmates 18 years and over who are aware they are not pregnant up to an annual dose limit of 1 mSv.
3. on correctional centre inmates under 18 years or those who may be pregnant up to an annual dose of 0.25 mSv.
4. on visitors and staff at a correctional centre up to an annual dose of 0.25 mSv.

Although condition 4 of the Radiation User Licence permits scanning of staff, staff will not be subject to body scanning.

The following table outlines the amount of radiation dose per scan and the maximum number of scans each group may undergo in accordance with Radiation User Licence conditions based on the type of body scanner used:

<b>Scanning Limits – in accordance with NSW IA42 Radiation User Licence Conditions</b>				
<b>Group</b>	<b>Nuctech Scanner</b> 2 µSv dose per scan	<b>Tek84 Scanner</b> 0.25 µSv dose per scan	<b>Tek84 Scanner</b> 0.5µSv dose per scan	<b>Tek84 Scanner</b> 1.00 µSv dose per scan
<b>Adult Inmates (NOT Pregnant)</b> Annual dose limit: 1000 µSv (1.0 mSv)	Up To 500 Scans	Up To 4000 Scans	Up To 2000 Scans	Up To 1000 Scans
<b>Adult Inmates (PREGNANT or MAY BE Pregnant)</b> Annual dose limit: 250 µSv (0.25 mSv)	Up To 125 Scans	Up To 1000 Scans	Up To 500 Scans	Up To 250 Scans
<b>Juvenile Inmates, Visitors</b> Annual dose limit: 250 µSv (0.25 mSv)	Up To 125 Scans	Up To 1000 Scans	Up To 500 Scans	Up To 250 Scans

### 1.3 Gender of operator

The operator of a body scanner should, if practicable, be the same gender as the person being scanned.

### 1.4 Support aids

To reduce risks of falls, persons that require an aid to assist them with standing (i.e. a walking stick, walking frame or crutches) may be authorised to use them while being body scanned. Staff must ensure that all support aid equipment is checked for contraband that may be concealed.

### 1.5 Scanning profile

Each person that is subject to a body scan must have a designated scanning profile that will be used to record activities using body scanners, including their scanning history/events, radiation dosage records and images.

On the first occasion that a person is scanned, their scanning profile must be created. This must include the individual's:

- name
- unique identifier (i.e. MIN/VIN)
- date of birth
- photograph
- palm recording (refer to subsection **1.6 Biometric registration** below).

Staff operating a body scanner must ensure that the individual being scanned has a scanning profile and that all registered information for that profile is accurate (e.g. ensure that their name and DOB are correct at the time of scanning).

The operator must show due diligence in ensuring that an individual does not have multiple scanning profiles. In the event that a person has multiple scanning profiles, they must be merged. Enquiries regarding this may be directed to [csnswbodyscanners@dcj.nsw.gov.au](mailto:csnswbodyscanners@dcj.nsw.gov.au)

## 1.6 Biometric registration

Each person subject to a scan should be biometrically registered before their first body scan is conducted. Fresh custody inmates will be registered on reception to the correctional centre.

Biometric measurements will be taken with a Palm Vein Reader (PVR) that is attached to each body scanner. Registration must be done using a person's right palm unless an exception applies (e.g. their right hand is injured). A person's biometric will be linked to their personal information (i.e. their name, date of birth, and Master Index Number (MIN) or Visitor Index Number (VIN)).

The operator of a body scanner may use their discretion to exempt a person from biometrically registering their palm where it is not practical, or due to a person's extenuating circumstances. In such cases, the person must be recorded in the body scanner using their personal information (i.e. their name, date of birth, and VIN or MIN), and a notification of non-registration sent to [csnswbodyscanners@dcj.nsw.gov.au](mailto:csnswbodyscanners@dcj.nsw.gov.au)

## 1.7 Biometric registration procedures

	Procedure	Responsibility
1.	Sign into the operator screen using your individual user profile. Note: Staff <b>must</b> ensure that their username (employee serial number) and profile is registered. This is to ensure that staff operation of the body scanner is monitored in accordance with WHS requirements.	Operator
2.	Assist the person to use the PVR to scan their palm to record biometric data.	Operator
3.	Assign name, date of birth and MIN or VIN to the palm scan data.	Operator

## 2 Operational and training requirements

### 2.1 Operational requirements for staff

Custodial staff operating body scanners must complete all training requirements and hold a current and valid Radiation User Licence that has been issued by the EPA.

Only staff who hold a Radiation User Licence may operate body scanners and must do so in accordance with:

- the *Radiation Control Act 1990* and the *Radiation Control Regulation 2013*
- the conditions of the Radiation User Licence issued
- the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) *Code of Practice for the Security of Radioactive Sources*
- the body scanner manufacturer's instructions, operation procedures and specifications
- the requirements of the Department of Communities & Justice's Radiation Management Plan (RMP), any directions provided by the local Radiation Compliance Officer (RCO), the state-wide Radiation Safety Manager (RSM) or WHS (as the direct delegates of the Radiation Management Licence holder).

### 2.2 Training and licencing of staff

Each correctional centre must ensure that there is a sufficient number of staff trained and licenced to operate body scanners in accordance with daily rostering requirements. The Governor/Officer in Charge (OIC) or authorised officer must periodically audit the staff roster to ensure that there are licenced staff able to operate body scanners at all times. Staff wishing to undertake the training may contact the CSNSW EPA-approved training team at [csnswbodyscanners@dcj.nsw.gov.au](mailto:csnswbodyscanners@dcj.nsw.gov.au)

Staff will be provided with training as approved by the EPA. The below training and certification are required to operate a body scanner:

Training	Type	Provider	Renewal
<b>Radiation safety</b> <i>(Mandated component of EPA Radiation User Licence requirements)</i>	Face-to-face delivery	Must be an EPA-approved course provider.	Nil
<b>Body scanner operations</b> <i>(Mandated component of EPA Radiation User Licence requirements)</i>	Face-to-face delivery	Must be an EPA-approved course provider.	Nil
<b>Image analysis</b> <i>(Mandated component of EPA Radiation User Licence requirements)</i>	Face-to-face delivery	Must be an EPA-approved course provider.	Nil



<b>DCJ Legal privacy training</b> <a href="#">Privacy and me course</a>	Online (Intranet – Success factors)	Department of Communities and Justice (DCJ).	Nil
<b>Radiation user licence</b>	Online application	EPA issued.	1 Year; 3 Years

## 3 Dosage monitoring

### 3.1 Policy

Each person who is subject to body scanning must have their radiation dosage recorded and must not be scanned above the permissible radiation dosage limit prescribed by the EPA (refer to subsection 1.2 above).

### 3.2 Dosage monitoring for visitors

A visitor subject to body scanning will be scanned on a TEK-84 body scanner and will have their scanning history recorded in Intercept Manager.

Operators must check the visitor's radiation dosage reading, which is displayed on the operator's screen, prior to undertaking a body scan.

Where a visitor is encroaching on their radiation dosage limit, an alert will appear advising the operator that the person has reached their dosage limit. In these circumstances, an operator must ensure that the person is not subject to body scanning and authorised alternative security screening procedures are to be implemented.

### 3.3 Mandatory auditing of radiation dosage (Nucltech machines only)

To ensure the Statewide Radiation Safety Manager can monitor and manage inmates and visitors encroaching on their radiation dosage limit, the Governor/OIC/Authorised Officer of the correctional centre must populate and send the Period Dose Statistic report (Search parameters YTD) at the end of each month.

	<b>Procedure</b>	<b>Responsibility</b>
1.	Login to Nucltech Scanner: MENU > STATISTICS > PERIOD DOSE STATISTICS (Report).	Authorised Officer
2.	Enter the date parameters – Last day of the month exactly one year previously – Last day of current month e.g. 28 February 2022- 28 February 2023	Authorised Officer
3.	Check the check box at the top left of screen to select ALL records.	Authorised Officer

4.	Save to USB in EXCEL format, naming the file after the scanner location.	Authorised Officer
5	EMAIL files to HYPERLINK "mailto:csnswbodyscanners@justice.nsw.gov.au" <a href="mailto:csnswbodyscanners@dcj.nsw.gov.au">csnswbodyscanners@dcj.nsw.gov.au</a>	Authorised Officer

## 4 Body scanning inmates

### 4.1 Policy

Under clause 46 of the *Crimes (Administration of Sentences) Regulation 2014* (CAS Regulation), a correctional officer has authority to conduct a search via a body scanning device on an inmate where:

- the Governor directs for the search to occur, or
- a correctional officer considers it appropriate.

Inmates must only be body scanned for the purposes of security screening. Body scanners **must not** be used to scan inmates for medical purposes (e.g. where it is suspected or the inmate states they have swallowed a razor). In these circumstances COPP section 13.2 *Medical emergencies* and 3.2 *Inmates at risk of self-harm or suicide* must be followed.

Accordingly, inmates will be body scanned in circumstance where strip searching is routine, such as:

- **on reception:** on arrival from court, another correctional centre or from any other place where the inmate may have come into contact with the public or inmates from another correctional centre
- **on departure:** on arrival or on departure from a medical escort
- **after a contact visit:** after an in-person contact visit (where inmates are routinely body-scanned after contact visits, they may be permitted to wear standard correctional centre clothing during the visit, instead of overalls).

In addition, an inmate may be body scanned as an alternative to a strip search in circumstances such as:

- before confinement to cell
- before placement in an assessment cell
- when suspected of carrying contraband.

Inmates may also be scanned prior to or following work at the discretion of the operating staff. Scanning under these circumstances should be limited to twice daily.

Outside of routine scanning, only supervisors or an officer of or above the rank of Senior Correctional Officer (SCO) may authorise a scan of an inmate to be conducted (e.g. following a search by the Security Operations Group (SOG); or where staff are conducting pat-down searches on inmates during let-go).

Inmates may be strip searched if a body scan image indicates they may have concealed contraband. All searching of an inmate must be conducted with due regard to dignity and self-respect.

An inmate must not resist or impede a search; failure to comply with the requirements is a correctional centre offence. Where an inmate refuses/fails to complete a body scan that is authorised, they may be charged under CAS Regulation clause 46. Standard procedures outlined in **COPP section 13.1 Inmate discipline** apply.

Inmates must be provided with a copy of the *Inmate factsheet* and shown the body scanning demonstration video prior to undergoing a body scan for the first time.

## 4.2 Additional policy for body scanning female inmates

All female inmates can be scanned up to 0.25 mSv annually. In the rare circumstance that a female inmate has received an annual radiation dose of 0.25 mSv, they may be scanned up to 1.0 mSv if they are aware they are not pregnant and it has been confirmed.

If a female inmate is not aware of her pregnancy status and it has not been confirmed (i.e. where they refuse to undergo pregnancy testing), the female inmate will not be subject to body scanning beyond 0.25 mSv, and alternative arrangements will be put in place having regard to the individual's circumstances. This could include non-contact visits, strip searching or more direct observation on a visit.

Female inmates are not required to remove feminine hygiene products (tampons and sanitary pads) for body scanning. If a female inmate is suspected of concealing contraband, they will be subject to routine strip searching procedures outlined in COPP section **17.1 Searching inmates**.

## 4.3 Conducting a body scan on inmates

Prior to any body scans being undertaken each day, a daily calibration test must be conducted.

	Procedure	Responsibility
1.	<p>Check Offender Integrated Management System (OIMS) alerts and note if there are any restrictions on the inmate's ability to undergo body scanning:</p> <ul style="list-style-type: none"> <li>if the inmate does not have an alert/has <b>not</b> reached their radiation dosage threshold, they can undergo a body scan.</li> <li>if the inmate does have an alert/has reached their radiation dosage threshold, they <b>cannot</b> undergo a body scan.</li> </ul>	Operator / Authorised officer
2.	<p>Escort inmate to the body scanner and move them to the designated waiting area.</p> <p>Ensure that the inmate has been provided with a copy of the <i>Inmate factsheet</i> if this is their first time being body scanned.</p>	Authorised officer
3.	Login to the body scanner as 'operator'. Enter login ID and password.	Operator
4.	Prior to starting a body scan:	Operator

	<ul style="list-style-type: none"> <li>enter the inmate's MIN or full name and open their scanning profile to confirm that you are scanning the correct inmate</li> <li>instruct the inmate to place their palm onto the PVR (ensure inmate is biometrically enrolled)</li> <li>check the inmate's current radiation dosage reading and ensure it is within the prescribed limit (e.g. 0.25 mSv for inmates who are or may be pregnant).</li> </ul>	
	<p>Once the inmate has been cleared to be body scanned:</p> <ul style="list-style-type: none"> <li>advise the inmate that they are about to undergo body scanning and ask if they have any contraband or unauthorised property to declare</li> <li>direct the inmate to stand in the correct scanning position. Instruct the inmate to remain motionless.</li> </ul> <p>Example for a Nuctech scanner:</p> <p><i>Officer: 'Please step up onto the platform. You are about to undergo a body scan:</i></p> <ol style="list-style-type: none"> <li><i>Stand facing the back wall of the scanner;</i></li> <li><i>Stand with your feet apart and turn your feet outwards;</i></li> <li><i>Place your arms away from your body, place the tips of your thumbs on your hips and spread your fingers to open your hands outwards'.</i></li> </ol> <p>Note: Where an inmate fails to comply or submit to body scanning, the relevant FM is required to review video footage to determine whether there are any concerns regarding the potential that an inmate is attempting to introduce contraband into the correctional centre.</p>	
5.	Conduct the body scan.	Operator
6.	Direct the inmate to wait until image analysis is completed.	Operator
7.	<p>If:</p> <ol style="list-style-type: none"> <li><b>No contraband identified:</b> image is deemed all clear (no signs of contraband), escort inmate from the scanning area</li> <li><b>Inconclusive/cannot determine:</b> image is inconclusive/poor quality, repeat scanning process. If the inmate refuses to remain still, they may be subject to a strip search and charged</li> <li><b>Contraband identified:</b> image identifies contraband, or a quality image cannot be obtained, the inmate must be escorted to the strip search area.</li> </ol> <p>Do not advise inmate that contraband has been identified at this stage. Once the inmate has been escorted to the strip searching area they may be</p>	Authorised officer

	<p>advised prior to a strip search being undertaken (refer to COPP section <b>17.1 Searching inmates</b>).</p> <p>Where contraband is identified the image must be flagged (or marked as suspect) and an OIMS IRM must be entered. The IRM must specify the outcome of the event and any contraband found.</p> <p><b>Note:</b> If a non-contraband anomaly is identified refer the image and details to the FM. The FM will be responsible for executing procedures in accordance subsection 7 <b>Identification of non-contraband anomalies</b>.</p>	
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## 5 Body scanning visitors

### 5.1 Policy

Clause 93(2A) of the CAS Regulation allows for searches of visitors by body scanning. Visitors to a correctional centre, except legal practitioners and contractors, may be subject to body scanning.

All visitors undergo body scanning on entry to a correctional centre where a body scanner is available. The FM or authorised officer is responsible for reviewing records to confirm that this has occurred.

Where a visitor refuses/fails to complete an authorised body scan they may be:

- offered a non-contact visit if one is available
- required to undergo an authorised alternative search procedure (e.g. scanning via metal detector; SOG attendance with canine if available)
- refused entry to the correctional centre (where a non-contact visit is unavailable, or if they are suspected of carrying contraband).

Visitors must be provided with a copy of the *Visitor factsheet* prior to undergoing a body scan. A copy of the *Visitor factsheet* and a body scanning demonstration video are available for members of the public to view on the Department of Communities & Justice internet site.

This policy applies in conjunction with **17.3 Stop, detain and search of visitor or staff**.

### 5.2 Conducting a body scan on a visitor

	Procedure	Responsibility
1.	Provide visitor with a copy of the <i>Visitor factsheet</i> for body scanning and inform them they will be undergoing a body scan (NB: A factsheet is only required to be provided if it is the first time the individual is being body scanned).	Operator/Authorised officer

2.	<p>Ask the visitor to declare if they have any items of contraband or unauthorised property on their persons. Example:</p> <p><i>Officer: I am officer Smith and I will be conducting a body scan of you today with my colleague, officer Doe. It is a condition of entry to a correctional centre that you may be subject to a body scan for security screening.</i></p> <p><i>Do you have any items of contraband or unauthorised property on your person that you want to declare? I'm going to provide you with clear instructions that you must follow to avoid having your entry into the centre being refused. Do you understand?</i></p>	Operator/Authorised officer
3.	Login to the body scanner as 'operator'. Enter login ID and password.	Operator
4.	<p>Prior to conducting a scan:</p> <ul style="list-style-type: none"> <li>• enter the visitor VIN or full name and open their scanning profile to confirm that you are scanning the correct person</li> <li>• instruct the visitor to place their palm onto the PVR to ensure they are biometrically registered</li> <li>• check the visitor's radiation dosage reading is within the prescribed limit (0.25 mSv annually)</li> <li>• if they can be scanned, direct the visitor to stand in the correct scanning position and to remain motionless.</li> </ul> <p>Example for a TEK-84 body scanner:</p> <p><i>Officer: 'Please step into the scanning cabinet and place your feet on the footprints. You are about to undergo a body scan.</i></p> <p><i>Place your arms away from your body, place the tips of your thumbs on your hips and spread your fingers to open your hands outwards'.</i></p>	Authorised officer
5.	Conduct the body scan.	Operator
6.	Direct the visitor to wait until image analysis is completed.	Operator
7.	<p>If:</p> <ol style="list-style-type: none"> <li>a) <b>No contraband:</b> image is deemed all clear, escort visitor from the scanning area.</li> <li>b) <b>Inconclusive/cannot determine:</b> image is inconclusive/poor quality, repeat scanning process.</li> <li>c) <b>Contraband identified:</b> image identifies contraband, or a quality image cannot be obtained refer to <i>COPP 17.3 Stop, detain and search of visitor or staff</i>. An officer may request that the visitor surrender any bag or container and remove</li> </ol>	Authorised officer

	<p>outer clothing such as coat, hat or shoes. If the officer still suspects the visitor of being in possession of contraband, the police may be called to conduct an additional search.</p> <p>All images that indicate concealment of contraband must be flagged or marked as suspect.</p> <p><b>Note:</b> An IRM must be entered where an individual is found to be concealing contraband. The IRM must specify the outcome of the event and any contraband found.</p>	
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NB: If staff discover a non-contraband anomaly when viewing the X-ray image of a visitor, the visitor is NOT to be advised of this, and the matter must not be discussed within earshot of the visitor. If staff have concerns in such cases, they should contact [csnswbodyscanners@dcj.nsw.gov.au](mailto:csnswbodyscanners@dcj.nsw.gov.au)

## 6 Contraband detection

### 6.1 Detection of contraband on inmates

If a body scan image of an inmate gives an operator reason to suspect an inmate is concealing contraband within their clothing or in a body cavity, the inmate will be required to undergo a strip search.

The inmate must be moved to an appropriate strip-searching area and procedures executed in accordance with **COPP section 17.1 Searching inmates** subsection 4 **Strip search**.

Where an inmate is suspected of internally secreting contraband, they must be managed in accordance with **COPP section 17.4 Internal secretion of contraband**. The inmate must be referred to the Justice Health and Forensic Mental Health Network (JH&FMHN) for medical assessment.

Where contraband is found on an inmate, they may be managed in accordance with **COPP section 13.1 Inmate discipline**.

### 6.2 Detection of contraband on visitor

Where a visitor is suspected of having contraband the FM should be advised immediately. The visitor may be placed on a non-contact visit on that occasion.

In cases where contraband is discovered on a visitor they will be managed in accordance with **COPP section 17.3 Stop, detain and search of visitor and staff**.

A correctional officer has no authority to pat or strip search a visitor. A visitor may be asked by a correctional officer, in the performance of their duties, to surrender any bag or container and remove outer clothing such as coat, hat or shoes.

If searching officers still suspect the visitor of being in possession of contraband, the police may be called to conduct an additional search.

A correctional officer has no authority to participate in a police pat or strip search, but may assist police by acting as an observer (witness) to the search subject to the approval of their Governor or GM (or delegate).

Restrictions and prohibitions may be imposed on a visitor in accordance with **COPP section 10.2 Visitor restrictions and prohibitions.**

### **6.3 Mandatory reporting of contraband finds via body scanning**

Where contraband is identified on a person who has been body scanned, the FM must be advised immediately, and an IRM for contraband must be recorded in accordance with COPP section **13.1 Serious incident reporting.** The IRM must include the following information:

- **date and time** the incident occurred (i.e. contraband detected while inmate was body scanned)
- **action** that was taken because of this (e.g., placement in dry cell and referral to JH&FMHN or refusal of entry to the correctional centre or police attendance). Any other relevant IRM reports (i.e. section 24 medical escorts or use of force incidents must be linked to the IRM)
- **outcome** (e.g., contraband was secreted by the inmate, details of contraband find and resulting action).

Where contraband is suspected but not confirmed, a Miscellaneous Incident IRM must be generated. If contraband is later confirmed, must be updated to a Contraband IRM.

### **6.4 Inmate discipline and visitor restrictions/prohibitions**

A body scan may indicate the presence of contraband concealed by a person. At the point of scanning, a positive indication would give rise to contraband being suspected; however, additional evidence confirming the presence of contraband would be required in order for inmate discipline or a visitor restriction/prohibition to be imposed.

#### **Inmates**

Where a body scan indicates the presence of contraband on an inmate they must be strip searched. If it is suspected that an inmate has internally secreted contraband, they must be managed in accordance with **COPP section 17.4 Internal secretion of contraband.**

A Governor or delegated officer must be satisfied beyond reasonable doubt that an inmate is guilty of a correctional centre offence. If they are not satisfied beyond reasonable doubt, they must dismiss a charge. Accordingly, if following a strip search, placement in a dry cell or escort to hospital the suspected contraband:

- has **not** been confirmed (either not retrieved, or not confirmed that the inmate has disposed of the item(s)) the inmate may not be charged.
- has been confirmed (either retrieved or confirmed that the inmate has disposed of the item(s)), the inmate may be charged and the body scan should be



submitted as part of the package identifying the confirmed contraband was in the inmate's possession for inmate discipline procedures.

## Visitors

In order for a prohibition to be imposed, the Governor must think it is necessary (i.e. where there is evidence of a significant and continuing risk to safety, good order or security).

If following a contact visit with an inmate, an inmate's body scan indicates the presence of contraband, an officer must have evidence that the contraband was given to the inmate from the visitor in order for a restriction or prohibition to be imposed on the visitor (i.e. Closed-Circuit Television (CCTV) footage or eye-witness account of the contraband being given to the inmate by the visitor).

In the absence of evidence of the visitor's participation in the introduction of contraband, a restriction or prohibition should not be imposed on the visitor. In these circumstances, inmate discipline procedures should apply (i.e. the inmate may be restricted to non-contact visits).

Where a body scan indicates the presence of contraband on a visitor they may be placed on a non-contact visit, refused entry into the correctional centre, or police may be called to undertake an additional search. If contraband is confirmed, either by the contraband being retrieved (i.e. the visitor forfeiting the goods, or by police confirming it following a search), a restriction and/or prohibition may be placed on the visitor.

# 7 Identification of non-contraband anomalies

## 7.1 Identification of non-contraband anomalies on inmates

During examination of a body scan image it may come to the attention of staff that the inmate has a non-contraband anomaly. CSNSW holds a duty of care towards inmates and in circumstances where security screening procedures of an inmate reveal a non-contraband anomaly, the scan(s) should be referred to JH&FMHN.

Staff are not required to include any additional commentary regarding the body scan image. JH&FMHN will determine any action necessary.

Under **no circumstances** should a CSNSW staff member make comment to the inmate on an anomaly identified, this is the responsibility of JH&FMHN staff to make a medical assessment before notifying the inmate.

As an inmate may be referred to JH&FMHN on various occasions if a non-contraband anomaly is identified, staff must check the inmate's OIMS case notes to identify if the inmate has been recently referred to JH&FMHN for assessment.

## 7.2 Procedures for responding to non-contraband anomalies with inmates

Where a non-contraband anomaly is identified by an operator, the following procedure should be followed:

	Procedure	Responsibility
1.	Report to the FM that a non-contraband anomaly has been detected in a body scan image.	Operator
2.	Notify JH&FMHN of the non-contraband anomaly. The inmate <u>must not</u> be advised that a non-contraband anomaly has been identified by CSNSW staff as this will be managed by JH&FMHN. <b>Note:</b> JH&FMHN may request access to the scan.	FM
3.	If a body image of an inmate is referred to JH&FMHN for assessment, the FM must ensure that a case note is entered into the OIMS stating: <i>'An x-ray image of inmate NAME and MIN has been referred to JH&amp;FMHN on DATE as a suspected non-contraband anomaly was identified'.</i>	FM

### 7.3 Non-contraband anomalies with visitors

If staff discover a non-contraband anomaly when viewing the X-ray image of a visitor, the visitor is NOT to be advised of this, and the matter must not be discussed within earshot of the visitor. If staff have concerns in such cases they should contact [csnswbodyscanners@dcj.nsw.gov.au](mailto:csnswbodyscanners@dcj.nsw.gov.au)

## 8 Records management and auditing

### 8.1 Local Operating Procedures

Local Operating Procedures (LOPs) must be implemented to cover operations of body scanners in each correctional centre, taking into account the location of the scanner within the centre, the manufacturer's instructions, EPA operator conditions, and the staffing structure of the centre.

A LOP must also be developed to ensure that alternative search procedures are undertaken where a person cannot be body scanned.

Refer to the *X-ray body scanner quality assurance* template which is mandatory for all centres that have body scanners installed.

### 8.2 Commissioning of a body scanner

A body scanner must receive a NSW Certificate of Compliance (CoC) which is issued by a Consulting Radiation Expert (CRE).

The role of the CRE is to verify that each body scanner meets the management licencing requirements. A body scanner must not be moved or altered post-commissioning. Any changes are subject to approval and recommissioning.

The Governor or OIC is responsible for ensuring that all body scanners are serviced and maintained in accordance with manufacturer's specifications. A CoC will include:

- the management licence conditions
- the period between CRE testing
- certification required for new equipment
- certification required for changes to equipment
- new management licence applications and annual renewals.

Each correctional centre must have a commissioning folder that contains their CoC. The Governor and Radiation Compliance Officer are responsible for maintaining these records.

### 8.3 State-wide Radiation Safety Manager (RSM)

The state-wide RSM is responsible for:

- liaising with and reporting to the EPA as required
- managing and monitoring departmental compliance with the Radiation Management Plan (RMP)
- managing and monitoring departmental compliance with legal requirements and licence conditions
- maintaining the integrity, storage and distribution of data, calibrations, and reports
- undertaking periodic internal audits of correctional centres body scanning operations to ensure compliance with this policy, regulatory and legislative requirements
- provision of authorised information in accordance with subsection 8.5 and 8.6.
- auditing staff licencing in correctional centres
- working with centres Radiation Compliance Officer to complete yearly audit for each body scanner in the correctional centre.
- managing staff training courses for body scanning operations.

### 8.4 Local Radiation Compliance Officer (RCO)

Each correctional centre that has a body scanner installed must appoint a RCO. Generally, the RCO will be the FM, Security or equivalent. The RCO is responsible for:

- managing LOPs relating to the body scanner including the *LOP X-ray body scanners quality assurance*
- ensuring compliance with the RMP, legal requirements and licence conditions
- maintaining the integrity, storage and distribution of data, calibrations and reports
- managing further staff training and licencing. All centres with a body scanner must have sufficient trained and licenced staff.
- undertaking periodical internal audits to ensure compliance with this policy. This should include:
  - completion of an *Internal audit checklist* for each body scanner post-commissioning.
  - ensuring scanning operations are in accordance with policy requirements; auditing staff radiation user licence expiry dates and ensuring only trained and licenced staff operate body scanners in the correctional centre

- ensuring that there are enough trained and licenced staff in the correctional centre.

## 8.5 Records management

All body scanning records for an inmate, including dosage records and images, must be retained for a minimum of 45 years. All body scanning records for a visitor, including dosage records and images, must be retained for a minimum of 7 years.

Body scan images must not be downloaded or distributed for unauthorised purposes. There are authorised reasons for where a body scan may be downloaded and distributed, such as:

- where required by law (e.g. in accordance with an approved application under the *Government Information (Public Access) Act 2009* or a subpoena
- for inclusion in an evidentiary package for inmate discipline charges or a visitor restriction/prohibition
- to JH&FMHN
- to the NSW Police or law enforcement agency for evidentiary purposes as authorised in law.

## 8.6 Sharing of de-identified images

Section 257(3) of the Crimes (Administration of Sentences) Act 1999 (CAS Act) states:

(3) Without limiting the disclosures that may fall within subsection (1) (e), a person makes a disclosure with lawful excuse for the purposes of that paragraph if the disclosure is —

(a) authorised by the Commissioner, or

(b) in accordance with an official policy made by the Commissioner for the purposes of this section.

In accordance with section 257(3)(b) of the CAS Act, the Commissioner authorises the sharing of de-identified body scanning images by the Office of the Assistant Commissioner, Custodial Corrections, with other correctional agencies for the purposes of enhancing contraband detection methods and education.

Images that are not de-identified must not be shared for these purposes under any circumstances.

## 9 Quick links

- [Related COPP](#)
- [Forms and annexures](#)
- [Related documents](#)

## 10 Definitions

ARPANSA	Australian Radiation Protection and Nuclear Safety Agency
CCTV	Closed-Circuit Television
CESU	Court Escort Security Unit
CoC	NSW Certificate of Compliance
COPP	Custodial Operations Policy and Procedures
CRE	Consulting Radiation Expert
EDRMS	Electronic Document Records Management System
EPA	Environmental Protection Authority
FM	Functional Manager
IAT	Immediate Action Team
IRM	Incident Reporting Module
GM	General Manager
LOPs	Local Operating Procedures
MOS	Manager of Security
mSv	Millisievert, a unit that measures the dose of radiation
µSv	Microsievert (1 millisievert = 1000 microsieveerts)
OIMS	Offender Integrated Management System
PPE	Personal Protective Equipment
RMP	Radiation Management Plan
RSM	Radiation Safety Manager
RCO	Radiation Compliance Officer
S&I	Security and Intelligence, a branch of CSNSW
SCO	Senior Correctional Officer
SOG	Security Operations Group
WHS	Work Health and Safety

# 11 Document information

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**Business centre:** Custodial Operations

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**Approver:** Anne-Marie Martin

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**Date of effect:** 6 September 2021

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**EDRMS container:** 21/18237

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Version	Date	Reason for amendment
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1.0		Initial Publication. This section replaces existing initial policy and procedures relating to body scanning that was contained in COPP section <b>17.1 <i>Searching inmate</i></b> .
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1.1	05/11/21	Updated [4] <i>Generating report of visitors to be body scanned</i> with details for how to generate the random selection of visitors report.
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1.2	15/08/22	General updates to the policy including: <ul style="list-style-type: none"><li>• Update to section numbers and formatting</li><li>• Update to scanning numbers for individuals contained in section 1.2 <i>Conditions for scanning</i></li><li>• Inclusion of new section 1.5 <i>Scanning profile</i></li><li>• Removal of subsection 7.3 <i>Mandatory reporting and monitoring of visitor dosage</i> and inclusion of 3.2 <i>Dosage monitoring for visitors</i>.</li><li>• Movement of dosage monitoring from section 7 to section 3.</li><li>• Updates to section 8.3 to include further information regarding responsibilities for Radiation Safety Manager</li><li>• Updates to section 8.1 regarding responsibilities for Local Radiation Officer</li><li>• Inclusion of new section 8.6 <i>Sharing de-identified images</i>.</li></ul>
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1.3	16/12/22	Amendment at 1.1 <i>Policy</i> to clarify that body scanning is to be used in preference to strip searching whenever practicable.  Refer to Deputy Commissioner memorandum 2022/05 <i>Use of body scanners in preference to strip searches</i> .
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1.4	16/01/23	Amendment at 1.6 <i>Biometric registration</i> to allow for all persons (including minors) to be biometrically registered.  Refer to Commissioner's memorandum 2022/12 <i>Crimes (Administration of Sentences) Amendment (Miscellaneous) Regulation 2022</i> .
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1.5      24/03/23    Amendments throughout for:

- scanning of all visitors rather than a certain number at random
  - deletion of OIMS entries for recording of scans and auditing of dosages after introduction of new IT capabilities
  - instruction for staff not to discuss non-contraband anomalies with visitors
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